

Notice of Allowability

Application No.

09/989,398

Examiner

Peter P Nerbun

Applicant(s)

MAMIYA, TOSHIYUKI

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3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON-THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 21 June 2004.
2. ☒ The allowed claim(s) is/are 1-6 and 8-22.
3. ☒ The drawings filed on 21 November 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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The following is an examiner's statement of reasons for allowance:

Claim 1 and its dependent claims are allowed because claim 1 specifically requires a hollow needle that passes sewing thread into a workpiece and a holding member that presses at least a part of the thread connecting two consecutive stitch points to the workpiece, wherein the holding member retains a part of the thread between one stitch point and a succeeding stitch point to prevent unraveling.

Claim 11 and its dependent claims are allowed because claim 11 specifically requires a sewing cartridge comprising a thread guiding member and a thread holding member that holds at least a part of the thread connecting two consecutive stitch points in accordance with a relative movement between a needle and a workpiece. In this recitation that term "sewing cartridge" serves to further define the structure of the claimed apparatus when viewed in the entirety of the application to gain an understanding of what the inventors actually invented and intended to encompass by the claim. This is the case since the sewing cartridge disclosed on page 14, paragraph [0055] of applicant's specification and in Figure 3 of applicant's drawings (see element 5) includes an enclosed area where a spool is housed. Further the term "cartridge" taken in its broadest sense by one of ordinary skill defines a structural assemblage comprising a case or container that holds a device. Therefore the terminology "sewing cartridge" in the preamble of claim 11 limits the structure of the claimed invention – see *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1257, 9 USPQ2d 1962, 1966 (Fed. Cir. 1989) and *Pac-Tec Inc. v. Amerace Corp.*, 903 F.2d 796, 801, 14 USPQ2d 1871, 1876 (Fed. Cir. 1990). See also MPEP 2111.02. The prior art of record

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does not disclose a case or container that forms an enclosed area where a spool is housed in combination with a thread holding member that holds at least a part of the thread connecting two consecutive stitch points in accordance with a relative movement between a needle and a workpiece.

Claim 16 and its dependent claims are allowed because claim 16 specifically requires a sewing cartridge comprising a thread guiding member and a presser foot that holds at least a part of the thread from a stitch point where a stitch has been made to a next stitch point where a stitch is being made. In this recitation that term "sewing cartridge" serves to further define the structure of the claimed apparatus when viewed in the entirety of the application to gain an understanding of what the inventors actually invented and intended to encompass by the claim. This is the case since the sewing cartridge disclosed on page 14, paragraph [0055] of applicant's specification and in Figure 3 of applicant's drawings (see element 5) includes an enclosed area where a spool is housed. Further the term "cartridge" taken in its broadest sense by one of ordinary skill defines a structural assemblage comprising a case or container that holds a device. Therefore the terminology "sewing cartridge" in the preamble of claim 11 limits the structure of the claimed invention – see *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868 F.2d 1251, 1257, 9 USPQ2d 1962, 1966 (Fed. Cir. 1989) and *Pac-Tec Inc. v. Amerace Corp.*, 903 F.2d 796, 801, 14 USPQ2d 1871, 1876 (Fed. Cir. 1990). See also MPEP 2111.02. The prior art of record does not disclose a case or container that forms an enclosed area where a spool is housed in combination with a thread holding member that holds at least a part of the thread connecting two

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consecutive stitch points in accordance with a relative movement between a needle and a workpiece.

Claim 21 is allowed because claim 21 specifically requires a hollow needle that passes sewing thread into a workpiece and a holding member that presses at least a part of the thread connecting two consecutive stitch points wherein the holding member retains a part of the thread between one stitch point and a succeeding stitch point to prevent unraveling.

Claim 22 is allowed because claim 22 specifically requires a hollow needle that passes sewing thread into a workpiece and a holding member that presses at least a part of the thread connecting two consecutive stitch points wherein the holding member retains a part of the thread between one stitch point and a succeeding stitch point to prevent unraveling.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P Nerbun whose telephone number is 703-308-0955. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Nerbun
July 7, 2004

A handwritten signature in black ink that reads "Peter Nerbun". The signature is fluid and cursive, with the first name "Peter" and last name "Nerbun" clearly distinguishable.

Peter Nerbun
Primary Examiner